

# ARIZONA DEPARTMENT OF ADMINISTRATION

## Policies and Procedures

Subject: PASE Grievance  
Supersedes: N/A

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### **PURPOSE:**

The purpose of this policy is to establish guidelines and procedures to equitably and promptly resolve complaints concerning any and all grievable issues. The procedure may be used by any Department of Administration employee or group of employees.

### **POLICY:**

The department, in keeping with a policy of maintaining satisfactory and efficient working conditions, shall provide a means to insure a systematic and fair review of employee complaints and grievances. The department is committed to allow employees to seek resolutions of their concerns and problems through a formal written procedure after informal attempts have proven unsatisfactory.

### **Matters Subject to the PASE Grievance Procedure**

The PASE grievance procedure is only to be used when an employee disagrees with and requests a reappraisal of a performance evaluation. An employee may submit a grievance concerning a specific performance evaluation. An employee may submit a grievance concerning a specific performance factor rating by utilizing the PASE Grievance Procedure. An employee may not submit a grievance concerning the receipt of a performance decrease, the non-receipt of a performance increase or special performance award, or the amount of any increase or decrease. An employee may submit a grievance using the Basic Grievance Procedure within 10 days of receipt of a PASE planning document or within 10 days of failing to receive, after written request, a planning document.

### **General**

#### **1. Amendments**

Once a grievance is referred to any step beyond the immediate supervisor, it may not be amended. If additional documentation is submitted by the grievant after the initiation of the grievance, the reviewing official may remand the grievance to the appropriate previous level for reconsideration. It is the employee's responsibility to provide documentation to support the allegations raised in the grievance.

#### **2. Confidentiality and Use of Official Authority**

The preparation, submittal, review and response to a grievance are confidential. Correspondence regarding a grievance should be handled in a confidential manner, and envelopes containing grievance material should be clearly labeled "confidential." No reference to the complaint shall be included in the employee's official personnel file.

Copies of written responses sent at each step of the procedure are limited to respondents at the preceding steps, the agency head or the agency head's designee unless it is necessary to notify additional personnel because the response requires another individual to take some action.

No person shall directly or indirectly use any official authority or influence in any manner to discourage the use of this procedure. Any person found guilty may be subject to penalty under ADOA Personnel Rule R2-5-501.

### 3. Representation

At any step of the grievance procedure after the mandatory pre-grievance oral discussion (see below), a grievant may select one representative to provide advice and/or speak for the grievant at any meetings determined necessary by management in the course of the grievance process. An ADOA employee who serves as a representative is required to request and obtain prior approval for annual or compensatory leave for any time devoted as a representative during regular working hours. If a representative is chosen, the representative shall be identified on the grievance form.

### 4. Preparation Time

During the entire formal grievance process (after the oral discussion at Step I), employees are allowed a total of four hours with pay to prepare the grievance and/or confer with their official representative on the grievance. Employees must request and obtain prior supervisory approval for time off, which will be subject to the operational needs of the unit. The time an employee devotes to attending any meetings scheduled by management to discuss the grievance is considered work time and is not included in the four-hour limitation specified above.

### 5. Extensions

At Step I the Assistant Director or a designee has five working days from receipt of the grievance to review the complaint and issue a response. At Step II the Director or the Director's designee has ten working days to investigate and respond. The number of working days may be extended by the Director with the concurrence of the grievant. IF AT ANY STEP THE RESPONSE IS NOT MADE WITHIN THE PRESCRIBED TIME AND NO EXTENSION HAS BEEN AGREED UPON, THE EMPLOYEE MAY SUBMIT TO THE NEXT STEP.

### **PROCEDURES:**

In accordance with Personnel Rule R2-5-702.A.1, the employee is REQUIRED to have an oral discussion with the immediate supervisor prior to initiating a formal grievance. The oral discussion shall be considered to have taken place on a performance evaluation when the employee is given the opportunity to review and sign the performance evaluation. The employee must clearly state to the supervisor the employee's intentions of filing a formal grievance, the issues involved, and the requested resolution. The purpose of the meeting is for both parties to explore the issues and the requested resolution.

If the employee fails to take this step, the grievance WILL NOT be accepted through the formal grievance procedure. It is the employee's responsibility to remember that the Step I grievance must be submitted within three working days after the occurrence of the action being grieved, and that these three days are not extended by the date on which the oral discussion takes place. The number of working days may be extended due to an

incapacitating illness or injury that prevents timely filing. The employee must submit a written notice of intent to file a formal grievance within the prescribed three working days. In order for the request for extension to be granted, the employee must provide a doctor's note for justification on or before the first day the employee returns to work.

When an employee wants to submit a grievance concerning a specific performance category rating, the employee must use the appropriate grievance form; state the problem and outline all of the specific standards, responsibilities, facts, circumstances and issues involved; provide all the appropriate documentation to support the allegations; and, state the specific resolution which is sought.

If an employee contests the performance evaluation, a copy of the contested PASE is to be attached to the grievance.

The employee must have the mandatory oral discussion prior to submitting the complaint, must adhere to the required time limitation for submitting a grievance, and must sign the PASE grievance at each step.

1. Step I

- a. The Step I responding authority is the Assistant Director.
- b. The time for submitting the grievance is three working days of the date of the action being grieved. The date the action occurred is not counted when determining the time limit. The mandatory oral discussion must take place within this three day limitation.
- c. At Step I, the Assistant Director has five working days to review the complaint and to issue a written Step I response. Each Assistant Director shall personally review the evaluation for which the employee disagrees and has formally filed a grievance. The employee and/or the supervisor may present additional information for the Assistant Director's review and consideration. At the conclusion of the review, the Assistant Director shall recommend: that the evaluation be upheld; that specific changes be made; and/or that a special evaluation be completed by a specified date.
- d. If the employee is dissatisfied with the Step I response, the employee has two working days from the date of receipt of the Step I response to elevate the complaint to Step II. The employee elevating the complaint to Step II must: (i) sign the grievance on the bottom of the front page of the form; (ii) write (and sign) a cover memo to the Director which specifically states the reason the Step I response is unsatisfactory; and, (iii) attach the original grievance packet to this cover memo.

2. Step II

- a. The Step II responding authority is the Director.
- b. The Director or the Director's designee shall investigate the grievance and shall respond, in writing, to the grievance in 10 working days from the date of

receipt of the grievance. The Director's designee may consist of a three-member review committee of agency employees selected by the Director.

- c. The Director is the final step for all PASE grievances and the PASE grievance procedure shall be completed upon receipt by the employee of the Director's response.